

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EXCALIBUR LIMITED PARTNERSHIP AND  
WHALEHAVEN CAPITAL FUND,

Index No. 07 CV 3434

Plaintiffs,

-against-

**NOTICE OF APPEARANCE**

EARTH BIOFUELS, INC.,

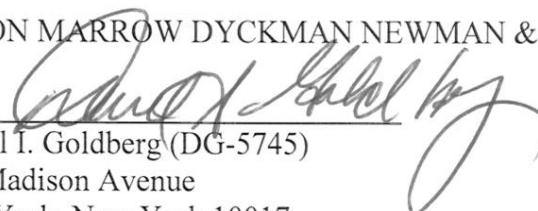
Defendant.

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**PLEASE TAKE NOTICE THAT**, the undersigned hereby enters its appearance as attorney of record for and on behalf of Defendant Earth Biofuels, Inc., in the above-captioned action. In accordance therewith, Defendant respectfully requests copies of all notices, pleadings, motions, orders, and other correspondence filed or served in this, or any related action, and that same be served electronically pursuant to the Court's Rules.

Dated: New York, New York  
June 12, 2007

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*Excalibur Limited Partnership, and*  
*Whalehaven Capital Fund Ltd.*